

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/826,709

Filed: April 16, 2004

Applicant(s): Gaonkar et al.

Title: Multilayer Edible Moisture Barrier  
for Food Products

Art Unit: 1761

Examiner: Donovan, Maureen C.

Attorney Docket No.: 77046

Customer No.: 22242

Confirmation No. 1774

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

DEC 21 2004

Date

James P. Krueger

Registration No. 35,234

Attorney for Applicant(s)

**TERMINAL DISCLAIMER**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

Kraft Food Holdings, Inc., a Company with a place of business at Three Lakes Drive, Northfield, Illinois, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the above-identified United States Application No. 10/826,709. Applicants further represent through their attorneys that it is the assignee of the entire right, title and interest in and to U.S. Application No. 10/304,446 in the name of Loh et al.

Kraft Food Holdings, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of any patent issuing from U.S. Application No. 10/304,446. Kraft Food Holdings, Inc. hereby agrees that any patent so granted on the instant application, Application No. 10/826,709 shall be enforceable only for and during such period that it and any patent issuing from U.S. Application No. 10/304,446 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

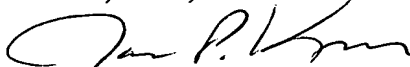
U.S. Application No. 10/826,709  
Terminal Disclaimer

In making the above disclaimer, Kraft Food Holdings, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on Application No. 10/304,446 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The Commissioner is hereby authorized to charge the Terminal Disclaimer fee of \$130.00 in accordance with 37 CFR 120(d) to Deposit Account No. 06-1135.

Respectfully submitted,

Fitch, Even, Tabin & Flannery



James P. Krueger  
Registration No. 35,234

DEC 21 2004

Date: \_\_\_\_\_

Fitch, Even, Tabin & Flannery  
120 S. LaSalle St., Suite 1600  
Chicago, Illinois 60603  
Telephone: (312) 577-7000  
Facsimile: (312) 577 7007

359330